(26)

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.A.(C) No. 1044 of 2007**

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**Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

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| Appellants Claimants | : | 1. | Laxminarayan Chandrakar Son of Shri Banwarilal Chandrakar, aged about 62 years: |
| | : | 2. | Smt. Anjani Chandrakar Wife of Shri Laxminarayan Chandrakar, aged about 54 years. |
| | : | 3. | Jagrit Kumar adopted son of Late Shri Gourishankar Chandrakar, aged about 8 years, Minor, through his Next Friend Grandfather Laxminarayan Chandrakar Son of Shri Banwarilal Chandrakar. |
| | | | All resident of Shastri Chowk Sadha Road, Kurud, Tahsil Kurud, District Dhamtari (C.G.) |
| | | | Versus |
| Respondents | : | 1. | Abdul Jabbar Son of Abdul Rajjak Quraishi aged about 40 years, Resident of Ganjpara Kurud, Tahsil Kurud, District Dhamtari (C.G.) |
| | : | 2. | Abdul Rahim Son of Abdul Gaffur Quraishi, aged about 22 years, Resident of Mandi Road Kurud, Tahsil Kurud, District Dhamtari (C.G.) |
| | : | 3. | The Oriental Insurance Company Limited Branch Office Dhamtari, Near Adarsha Bal Mandir Dhamtari, District Dhamtari (C.G.) |

Memo of Appeal Under Section 173 of the Motor Vehicles Act,1988

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Present:
Shri S.P.Sahu, counsel for the appellant.

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**ORAL ORDER**
(Passed on 11.9.2007)

(29)

Heard on admission.

2. This appeal is directed against the award dated 25th June 2007 passed in claim case No. 82 of 2006 by the Motor Accidents Claims Tribunal, Dhamtari (hereinafter referred to as the M.A.C.T.) whereby compensation of Rs.2,80,000/- was awarded to the legal representatives of the deceased-Gourishankar Chandrakar, a practicing advocate.

3. The learned M.A.C.T. rejected the oral testimony of the claimants on the basis of Ex.P.6 to Ex.P.8 which are the income tax returns showing the yearly income of the deceased at Rs.48,000/-.

4. The sole ground urged by the learned counsel for the appellants in this appeal is that the learned M.A.C.T. ought to have accepted the oral evidence led by the claimants and assessed the monthly income of the deceased at Rs.15,000/-. However, on perusal of the impugned award, the above contention is liable to outright rejection because the oral testimony was contradicted by the income tax returns of the deceased. The M.A.C.T. rightly assessed the loss of yearly income at Rs.48,000/- and applied multiplier of 16. So far as the multiplier applied by the M.A.C.T. and the amount awarded under conventional heads is concerned, no objection was raised by the learned counsel for the appellants. In this view of the matter, the amount awarded by the M.A.C.T. does not call for interference. There is no merit in this appeal which is accordingly dismissed at the admission stage.

**Sd/-**
**Dilip Raosaheb Deshmukh**
**Judge**